

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUAN ALBERTO-SILVA MARTINEZ,)	
)	Civil Action No. 10 - 935
Plaintiff,)	
)	District Judge Joy Flowers Conti
v.)	
)	
S.C.I. RETREAT; JOHNNY DAIZ <i>and Family</i> ;)	
JAMES MCGRADY; RAUL SILVA; BARRY)	
MOJIOA; JEMY CRUIZ; JOHN NEGIOA;)	
BRENDA HARDY)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (ECF No. 1) on July 15, 2010, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge filed a report and recommendation on September 23, 2010 (ECF No. 6) recommending that the complaint be dismissed for failure to state a claim upon which relief may be granted under 42 U.S.C. §1983. Plaintiff was served with the report and recommendation at the address he provided to the Court and was advised that he had until October 12, 2010 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 19th day of October, 2010;

IT IS HEREBY ORDERED that the Complaint is **DISMISSED** for failure to state a claim upon which relief may be granted under 42 U.S.C. §1983.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 6) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Juan Alberto-Silva Martinez
DZ-0785
S.C.I. Retreat
660 State Route 11
Hunlock Creek, PA 18621-3136